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7
8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE TERRITORY OF GUAM

10 UNITED STATES OF AMERICA,

CIVIL CASE NO. 19-00002

11 Plaintiff,

12 vs.

13 2008 BLACK MERCEDES BENZ G55, VIN NO.
WDCYR71E58X175031, GUAM LICENSE
14 PLATE NO. MG2342;

15 2015 SILVER LEXUS LX570, VIN NO.
JTJHY7AX9F4179413, GUAM LICENSE PLATE
16 NO. SR2865;

17 \$22,510.60 IN U.S. CURRENCY SEIZED FROM
COAST 360 FEDERAL CREDIT UNION BANK
18 VALUE CHECKING ACCOUNT FOR
ACCOUNTING NO. ENDING IN LAST FOUR
19 DIGITS 4764, HELD IN THE NAMES OF
RAYMOND J. MARTINEZ AND JUANITA
MARIE Q. MOSER,

**VERIFIED COMPLAINT FOR
FORFEITURE *IN REM***

20 \$9,016 IN U.S. CURRENCY,

21 \$1,801 IN U.S. CURRENCY,

22 2013 YELLOW SUZUKI HAYABUSA
GSX1300RAZL3, VIN NO.
23 JS1GX72B3D2100292, and

24 LADY'S PLATINUM RING WITH ONE
ROUND BRILLIANT CUT DIAMOND 2.95
25 CARATS (ESTIMATED),

26 Defendants.

1 Plaintiff, United States of America, by its attorneys, Shawn N. Anderson, United States
2 Attorney for the Districts of Guam and the Northern Mariana Islands, Jessica F. Wessling and
3 Mikel W. Schwab, Assistant U.S. Attorneys, bring this complaint and allege as follows in
4 accordance with Supplemental Rule G(2) of the Supplemental Rules for Admiralty or Maritime
5 Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure (hereafter the
6 “Supplemental Rules”):

7
8 **NATURE OF THE ACTION AND THE DEFENDANTS *IN REM***

9 1. The United States alleges the following upon information and belief for its claims against
10 the above-captioned defendant properties for violations of 21 U.S.C. § 881(a)(6) and 18 U.S.C.
11 §§ 1981(a)(1)(A), 1956(a)(1)(B) and 1957.

12 **THE DEFENDANTS *IN REM***

13 2. The defendants *in rem* include the following:

- 14 a. 2008 Black Mercedes Benz G55, VIN No. WDCYR71E58X175031,
15 seized on June 6, 2015, bearing a Guam license plate number MG2342
16 and registered to Raymond J. Martinez (“Martinez”) (hereafter “defendant
Mercedes”);
- 17 b. 2015 Silver Lexus LX570, VIN No. JTHHY7AX9F4179413, seized on
18 June 11, 2015, bearing Guam license plate number SR2865 and registered
19 to Martinez and Juanita M. Quitugua Moser (“Moser”) (hereafter
“defendant Lexus”);
- 20 c. \$22,510.60 in U.S. currency, which was seized on June 9, 2015, from the
21 Coast 360 Federal Credit Union Bank Value Checking Account for the
22 account ending in the last four digits 4764 under the names of Martinez
23 and Moser (hereafter “defendant Coast360 funds”);
- 24 d. \$9,016.00 in U.S. currency, which was seized on June 5, 2015, from the
25 residence of Martinez and Moser on Gov. Carlos Camacho Road
26 (hereafter “defendant \$9,016”);
- e. \$1,801 in U.S. currency, which was seized on June 5, 2015, from the
interior of a Toyota van located at Martinez and Moser’s residence on
Gov. Carlos Camacho Road (hereafter “defendant \$1,801”);

1 f. 2013 Suzuki Hayabusa GSX1300RAZL3, VIN No. JS1GX72B3D2100292,
2 registered in California to Martinez, which was seized on June 6, 2015,
3 from the residence of Martinez and Moser on Belmont Avenue (hereafter
4 “defendant Suzuki”); and
5 g. Lady’s platinum ring with one round brilliant cut diamond, 2.95 carats
6 estimated, seized for forfeiture on July 14, 2015 (hereafter “defendant
7 diamond ring”)
8 (hereafter collectively referred to as “defendant properties”). The defendant Lexus is currently
9 in the custody of the U.S. Drug Enforcement Agency (“DEA”). The remaining defendant
10 properties are currently in the custody of the U.S. Department of Homeland Security (“HSI”),
11 Customs and Border Protection (“CBP”). All of the defendant properties were seized on land in
12 the District of Guam.

13 **JURISDICTION AND VENUE**

14 3. Plaintiff brings this action in rem in its own right to forfeit and condemn the defendant
15 properties. This Court has jurisdiction over an action commenced by the United States under 28
16 U.S.C. § 1345, over an action for forfeiture under 28 U.S.C. § 1355(a), and over this particular
17 action under 21 U.S.C. § 881.

18 4. This Court has *in rem* jurisdiction over the defendant properties under 28 U.S.C.
19 § 1355(b)(1).

20 5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1355(b)(1) and 1395 and 21
21 U.S.C. § 881(j).

22 **BASIS FOR FORFEITURE**

23 6. The defendant properties are subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6), as
24 moneys, negotiable instruments, securities, or other things of value furnished or intended to be
25 furnished by any person in exchange for a controlled substance or listed chemical in violation of
26 Subchapter I, Chapter 13 of Title 21, United States Code; as proceeds traceable to such an

1 exchange; and/or as moneys, negotiable instruments, and securities used or intended to be used
2 to facilitate any violation of Subchapter I, Chapter 13 of Title 21, United States Code. The
3 defendant Mercedes, defendant Lexus, defendant Coast360 funds, defendant \$9,016, defendant
4 \$1,801, defendant Suzuki and defendant diamond ring are subject to forfeiture pursuant to 18
5 U.S.C. § 981(a)(1)(A) as personal property involved in a transaction in violation of 18 U.S.C.
6 §§ 1956(a)(1)(B) and 1957.

7 FACTS

8
9 7. From approximately 2013 to 2015, Raymond J. Martinez (hereafter “Martinez”) and
10 Juanita M. Quitugua Moser (hereafter “Moser”) engaged in the trafficking of narcotics, including
11 crystal methamphetamine (“methamphetamine”) and marijuana. During this time, Martinez and
12 Moser reported no income to the Guam Department of Revenue and Taxation or the Internal
13 Revenue Service, nor were they gainfully employed.

14 8. On or about July 9, 2014, Transportation Security Administration (“TSA”) contacted
15 HSI, CBP and the Bulk Cash Smuggling Center in connection with suspicious financial activity
16 of Martinez. Martinez presented at TSA at Guam International Airport (“GIA”) and reported he
17 was carrying \$50,000 in U.S. currency, but did not file a FinCen Form 105 with a CBP officer.
18 TSA permitted Martinez to continue his travel to Japan, with a final destination of Los Angeles,
19 California. As a result of this encounter, HSI on Guam commenced a financial investigation of
20 Martinez.
21

22 9. Upon arriving at the Los Angeles International Airport (“LAX”), CBP conducted
23 a secondary search of Martinez and his party, which included Moser, Moser’s mother Genedine
24 Q. Moser, Martinez’s adult child, and Moser’s minor child. The secondary search revealed that
25 Martinez was actually carrying \$100,000 in U.S. currency, not \$50,000 as he reported to TSA on
26 Guam. Martinez completed a FinCen Form 105 at this time. At secondary inspection, Martinez

1 claimed that he worked for Calvo's Insurance Company and that he imported, restored, and sold
2 vehicles. Martinez also claimed that he had recently sold a 2006 Hummer for \$100,000 cash and
3 that he had planned to bring a Mercedes Benz Sports Utility Vehicle ("SUV") to Guam.
4 Martinez provided suspicious information regarding his alleged employment at Calvo's
5 Insurance Company and the details of his purchase and resale of the Hummer. Subsequently,
6 HSI discovered information indicating that Martinez may not have actually sold the 2006
7 Hummer for \$100,000.

8
9 10. Early in its investigation, HSI received information that Martinez and Moser, though
10 both unemployed, enjoyed a lavish lifestyle, were involved in an indoor marijuana grow
11 operation and were associated with a Guam drug trafficking organization that distributes
12 methamphetamine in southern Guam.

13 11. HSI also discovered, through its investigation, that in 2013, Martinez and Moser had
14 purchased ten (10) pounds of methamphetamine from their source in California. Martinez and
15 Moser directed Martinez's cousin in California to sell the methamphetamine.

16 12. A portion of the money Martinez and Moser obtained from selling the ten pounds of
17 methamphetamine was used during the July 2014 trip to California to purchase the defendant
18 Mercedes from Eurocar in Costa Mesa, California. During this trip, Martinez also purchased a
19 2013 Suzuki Hayabusa GSX1300 motorcycle (defendant Suzuki) and a 2014 Suzuki Hayabusa
20 GSX1300 from Motorini Inc. in Inglewood, California. Martinez purchased the defendant
21 Mercedes for \$79,888, with a \$20,000 cash deposit (with remaining balance due in three weeks)
22 and the two motorcycles were purchased for \$12,000 and \$13,000 respectively. The defendant
23 Mercedes and defendant Suzuki were transported to Guam by Triple B Forwarders and later
24 seized by HSI during the execution of a search warrant of Martinez's and Moser's homes the
25 following year.
26

1 13. On July 25, 2014, HSI conducted an outbound examination on Martinez and his party,
2 including Moser, Moser's mother, Martinez's adult child and Moser's minor child. The
3 examination produced documents, including records relating to the purchase of the defendant
4 Mercedes, the two Suzuki Hayabusa GSX1300 motorcycles, and documentation showing that
5 Martinez and Moser stayed in a rented vacation home in San Diego, California at \$400 a night.
6 Records indicate that Martinez, Moser, and their party traveled roundtrip between Guam and Los
7 Angeles, California, in business class with the tickets totaling \$15,493.29.

8
9 14. On September 19, 2014, Martinez and two males traveled from Guam to the Philippines.
10 A CBP inspection at the Guam airport of the three males revealed that they were traveling with a
11 total of \$24,650 cash, with each male carrying just under the \$10,000 FinCen reporting
12 requirement.

13 15. On or about December 3, 2014, Martinez and Moser traveled again to Los Angeles,
14 California. On or about December 8, 2014, Martinez withdrew \$15,005 from a Coast360 Value
15 Checking Account (for account ending in 4764) that he shares with Moser and converted the
16 funds into a \$15,000 cashier's check at SCE Federal Credit Union. On or about December 9,
17 2014, Martinez purchased for Moser a diamond ring, described as 2.14 carats in the diamond
18 analysis report that was included with a receipt showing that \$22,000 was paid in cash.¹ Moser
19 then mailed the cashier's check and documents pertaining to the diamond ring purchase
20 (including a receipt showing the alleged weight of the diamond) via FedEx to Guam, and the
21 package, which was addressed to Martinez, arrived on December 14, 2014 – two days after their
22 return to Guam.
23

24 16. On April 10, 2015, Martinez and Moser purchased the defendant Lexus from the Atkins
25

26 ¹ An independent appraisal of the diamond ring after it was seized described the ring as a 2.95 carat (estimated) diamond ring.

1 Kroll dealership on Guam. Initially, Martinez approached a friend, Carlo Dela Cruz (“Dela
2 Cruz”), to purchase the Lexus for him under the guise that Dela Cruz’s assistance was needed
3 because he knew more about cars. At Martinez’s instruction, Dela Cruz picked up a shopping
4 bag containing \$50,000 in cash from Martinez’s father, Raymond Antonio Martinez. Upon
5 hearing that Martinez was being monitored and that the money could be drug money, Dela Cruz
6 declined to purchase the car in his own name and attempted to return the money. Upon request
7 by Martinez’s father to be reimbursed with checks, Dela Cruz gave Martinez’s father two checks
8 in the amount of \$25,000 on two successive occasions. After the failed attempt to have Dela
9 Cruz purchase the car, Martinez and Moser bought the defendant Lexus themselves for a total of
10 \$81,914, of which \$75,000 was paid with a cashier’s check. HSI traced the source of the
11 \$75,000 cashier’s check. It originated from a personal checking account under Martinez’s father
12 name at Bank of Guam, an account ending in 2483 - the same checking account where the two
13 \$25,000 checks from Carlo Dela Cruz were deposited.

15 17. In early May 2015, Henry Alvendia (“Alvendia”), a personal friend of Martinez and
16 Moser and a then-Guam Customs and Quarantine Agency officer, began cooperating in HSI’s
17 investigation. Alvendia reported via interview that in 2013, Martinez and Moser invited him to
18 their home and talked to him about bringing drug-loaded vehicles into Guam. Martinez and
19 Moser inquired about the best ways to conceal drugs in vehicles and offered Alvendia a
20 percentage and a vehicle for assisting with the drug smuggling scheme.

22 18. Alvendia also reported that sometime in mid-2014, Martinez and Moser contacted
23 Alvendia to inquire about the regulations concerning the transportation of money in and out of
24 Guam. Alvendia advised them to bring supporting documentation for the money when traveling.

25 19. Alvendia established contact with the defendants on or about May 1, 2015, and met with
26 them the following day. They discussed the best way to transport drugs into Guam, including

1 concealing them in shipped vehicles or disguising them in water softener buckets, and how to
2 prevent detection by Guam Customs and Quarantine Agency's x-ray machine. They discussed
3 that Karleen Harker, Martinez's mother in California, introduced them to their drug supplier in
4 California. They also discussed how Martinez had contacts in Mexico who advised him how to
5 smuggle drugs in vehicles. Martinez and Moser told Alvendia that they still had \$80,000 in
6 California from a previous transaction in which Martinez's cousin sold the drugs. They
7 discussed how much methamphetamine could be purchased with \$80,000 (at least 10-12
8 pounds). They agreed to continue planning how to smuggle methamphetamine into Guam.

9
10 20. On May 5, 2015, Martinez and Moser met with Alvendia and discussed in detail how to
11 smuggle in the methamphetamine from California to Guam using five-pound water softener
12 buckets to conceal the drugs, under the cover story that Alvendia was building a Jacuzzi. They
13 discussed their respective roles in the scheme (including Martinez's role to pack the
14 methamphetamine in the buckets), Martinez's and Moser's travel dates to California to purchase
15 the methamphetamine, how to communicate with each other, and Alvendia's compensation for
16 his part in the scheme.

17 21. On May 12, 2015, Martinez and Moser met with Alvendia again to further discuss the
18 details of the drug smuggling plan. Specifically, they discussed where to buy the water softener
19 buckets, and other Jacuzzi-related items needed to disguise the drugs, the fake labels to be used
20 on the buckets, how much methamphetamine would be transported, when to meet in California
21 (June 4, 2015), where Martinez and Moser would be in California, how to communicate using
22 burner phones (pre-paid mobile phones that are easily disposed and are not linked to a specified
23 user), and how to ship the water softener buckets and Jacuzzi equipment to Guam using Triple B
24 Forwarders. They also discussed Alvendia transporting \$15,000 in cash from Guam to
25 California to give to Martinez and Moser for the methamphetamine purchase.
26

1 22. Martinez and Moser met again with Alvendia on May 22, 2015, to discuss the details of
2 the plan to smuggle methamphetamine into Guam. Martinez gave Alvendia an envelope
3 containing \$15,000 cash, cleaned with Lysol spray, for Alvendia to transport to California and
4 give back to Martinez and Moser for purchase of the drugs. They also discussed the purchase of
5 six pounds of methamphetamine, which Martinez and Moser would split with Alvendia and help
6 him sell.

7 23. Martinez and Moser continued to communicate with Alvendia on their burner phones
8 leading up to June 4, 2015 - the day they would meet in California. Moser also clarified that
9 they had already purchased seven pounds of methamphetamine (not six).
10

11 24. On June 4, 2015, on the way to meet Alvendia to make the exchange of money and
12 methamphetamine concealed in water softener buckets, Martinez and Moser were pulled over for
13 a traffic stop by the Torrance Police Department patrol. The police officers searched the vehicle
14 of Martinez and Moser and found a bucket of Morton System Saver water softening pellets
15 behind the driver's seat. Officers also found a second bucket of Morton System Saver water
16 softening pellets between the two middle bucket seats of the vehicle. Inside each of the buckets
17 was Morton Rock Salt concealing a heat-sealed bag containing methamphetamine. Martinez and
18 Moser were arrested, and a lady's ring, estimated at 2.95 carats in weight (defendant diamond
19 ring), was collected as personal property and later sent to HSI in Guam for seizure on July 14,
20 2015.
21

22 25. On June 5, 2015, a search and seizure warrant was issued by U.S. Magistrate Judge
23 Joaquin Manibusan, Jr., permitting the search of the Martinez's and Moser's residence on Gov.
24 Carlos Camacho Road ("Camacho residence"). Later that same day, Judge Manibusan issued a
25 search and seizure warrant permitting the search of the Martinez's and Moser's residence on
26 Belmont Avenue ("Belmont residence").

1 26. In the Camacho residence, the agents executing the search and seizure warrant discovered
2 multiple bundles and bags of money concealed throughout the house and in the vehicles in heat-
3 sealed plastic bags, purses, zip lock bags, shopping bags and under a mattress. In total, \$9,016
4 was seized from inside Martinez's and Moser's Camacho residence (constituting defendant
5 \$9,016) and \$1,801 was seized from inside vehicles located at the Camacho residence
6 (constituting defendant \$1,801).

7
8 27. The search of the Camacho residence also resulted in the discovery and seizure of other
9 items, including but not limited to an all-terrain vehicle, 16 cell phones, four hard drives, six
10 laptops, keys for four vehicles, five handguns and ammunition, indoor marijuana grow
11 equipment, books on how to grow marijuana and how to deal with police, a zip lock bag of 46
12 valium pills, a bottle of Vicodin, and records of vehicles purchased under the names of Martinez,
13 Moser and the names of third parties.

14 28. In the search of Martinez's and Moser's Belmont residence, the agents found and seized
15 the defendant Suzuki, indoor marijuana grow equipment, a bag of marijuana leaves, three bags of
16 marijuana seeds, an all-terrain vehicle, and a laptop, among other items.

17 29. On June 9, 2015, HSI executed a seizure warrant to seize up to \$50,796.10 in cash from
18 Martinez's and Moser's Coast360 checking account ending in 4764. Execution of the seizure
19 warrant resulted in the seizure of \$22,510.60, which constitutes the defendant Coast360 funds.
20 Records supplied by Coast360 show that from 2014 to 2015, multiple large deposits and checks
21 ranging up to \$30,000 were deposited into Martinez's and Moser's checking account, including
22 several checks issued to Martinez personally.
23

24 30. HSI's investigation of the Coast360 Value Checking Account for the account ending in
25 4764 revealed a \$21,000 cashier's check deposited into the account on November 13, 2014.
26 These funds were traceable to the sale of a 2010 Lexus RX350 by Martinez to Richard

1 Tareyama. HSI agents determined that Martinez initially purchased the 2010 Lexus RX350,
2 VIN number JTJBK1BA6A2005401, from Kingdom Used Car owner Bong Ho Go on
3 November 18, 2013. HSI's interview of Mr. Go revealed that Martinez purchased the Lexus
4 RX350 for \$29,000 in cash. Mr. Go reported that Martinez appeared at the dealership with a
5 paper/shopping bag of cash consisting of \$20, \$50, and \$100 bills that were wrapped in rubber
6 bands. Mr. Go noted that at least \$10,000 of the cash was in \$20 denominations. Shortly after
7 the purchase, Martinez sold the 2010 Lexus RX350 to Richard Tareyama for \$21,000, incurring
8 a loss of \$8,000.
9

10 31. On June 11, 2015, Calvo's Insurance reported that there was no record of Martinez
11 having been employed at the company.

12 32. On June 10, 2015, Martinez and Moser were indicted in the District Court of Guam
13 resulting in charges of conspiracy to distribute methamphetamine, possession with intent to
14 distribute methamphetamine and conspiracy to commit money laundering. The criminal case
15 resulted in two mistrials. Martinez and Moser were indicted by the U.S. Attorney's Office for
16 the Southern District of California on December 21, 2018, and charged with possession with
17 intent to distribute methamphetamine.
18

19 **FIRST CLAIM FOR RELIEF – DEFENDANT MERCEDES**
20 **[21 U.S.C. § 881(a)(6)]**

21 33. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through
22 32 above.

23 34. The defendant Mercedes funds constitute moneys or other things of value furnished or
24 intended to be furnished in exchange for a controlled substance, all proceeds traceable to such an
25 exchange and/or were used or intended to be used to facilitate one or more violations of 21
26 U.S.C. § 841 *et seq.*

1 35. As a result of the foregoing, the defendant Mercedes, is subject to forfeiture to the United
2 States in accordance with 21 U.S.C. § 881(a)(6).

3 **SECOND CLAIM FOR RELIEF – DEFENDANT MERCEDES**
4 **[18 U.S.C. § 981(a)(1)(A)]**

5 36. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through
6 32 above.

7 37. 18 U.S.C. § 981(a)(1)(A) provides for forfeiture of all property, real or personal, involved
8 in a transaction in violation of 18 U.S.C. §§ 1956 and 1957 of this title, or any property traceable
9 to such property.

10 38. As set forth above, the defendant Mercedes was involved in financial transactions in
11 violation of 18 U.S.C. § 1956(a)(1)(B) and 1957 and are therefore subject to forfeiture.

12 **THIRD CLAIM FOR RELIEF – DEFENDANT LEXUS**
13 **[21 U.S.C. § 881(a)(6)]**

14 39. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through
15 32 above.

16 40. The defendant Lexus funds constitute moneys or other things of value furnished or
17 intended to be furnished in exchange for a controlled substance, all proceeds traceable to such an
18 exchange and/or were used or intended to be used to facilitate one or more violations of 21
19 U.S.C. § 841 *et seq.*

20
21 41. As a result of the foregoing, the defendant Lexus is subject to forfeiture to the United
22 States in accordance with 21 U.S.C. § 881(a)(6).

23 **FOURTH CLAIM FOR RELIEF – DEFENDANT LEXUS**
24 **[18 U.S.C. § 981(a)(1)(A)]**

25 42. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through
26 32 above.

1 43. 18 U.S.C. § 981(a)(1)(A) provides for forfeiture of all property, real or personal, involved
2 in a transaction in violation of 18 U.S.C. §§ 1956 and 1957 of this title, or any property traceable
3 to such property.

4 44. As set forth above, the defendant Lexus was involved in financial transactions in
5 violation of 18 U.S.C. § 1956(a)(1)(B) and 1957 and is therefore subject to forfeiture.

6 **FIFTH CLAIM FOR RELIEF – DEFENDANT COAST360 FUNDS**

7 **[21 U.S.C. § 881(a)(6)]**

8 45. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through
9 32 above.

10 46. The defendant Coast360 funds constitute moneys or other things of value furnished or
11 intended to be furnished in exchange for a controlled substance, all proceeds traceable to such an
12 exchange and/or were used or intended to be used to facilitate one or more violations of 21
13 U.S.C. § 841 *et seq.*

14 47. As a result of the foregoing, the defendant Coast360 funds is subject to forfeiture to the
15 United States in accordance with 21 U.S.C. § 881(a)(6).

16 **SIXTH CLAIM FOR RELIEF – DEFENDANT COAST360 FUNDS**

17 **[18 U.S.C. § 981(a)(1)(A)]**

18 48. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through
19 32 above.

20 49. 18 U.S.C. § 981(a)(1)(A) provides for forfeiture of all property, real or personal, involved
21 in a transaction in violation of 18 U.S.C. §§ 1956 and 1957 of this title, or any property traceable
22 to such property.

23 50. As set forth above, the defendant Coast360 funds was involved in financial transactions
24 in violation of 18 U.S.C. § 1956(a)(1)(B) and 1957 and are therefore subject to forfeiture.

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1 **SEVENTH CLAIM FOR RELIEF – DEFENDANT \$9,016 IN U.S. CURRENCY**
2 **[21 U.S.C. § 881(a)(6)]**

3 51. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through
4 32 above.

5 52. The defendant \$9,016 constitutes moneys or other things of value furnished or
6 intended to be furnished in exchange for a controlled substance, all proceeds traceable to such an
7 exchange and/or were used or intended to be used to facilitate one or more violations of 21
8 U.S.C. § 841 *et seq.*

9 53. As a result of the foregoing, the defendant \$9,016 is subject to forfeiture to the United
10 States in accordance with 21 U.S.C. § 881(a)(6).

11 **EIGHTH CLAIM FOR RELIEF – DEFENDANT \$1,801 IN U.S. CURRENCY**
12 **[21 U.S.C. § 881(a)(6)]**

13 54. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through
14 32 above.

15 55. The defendant \$1,801 constitutes moneys or other things of value furnished or intended
16 to be furnished in exchange for a controlled substance, all proceeds traceable to such an
17 exchange and/or were used or intended to be used to facilitate one or more violations of 21
18 U.S.C. § 841 *et seq.*

19 56. As a result of the foregoing, the defendant \$1,801 is subject to forfeiture to the
20 United States in accordance with 21 U.S.C. § 881(a)(6).

21 **NINTH CLAIM FOR RELIEF – DEFENDANT SUZUKI**
22 **[21 U.S.C. § 881(a)(6)]**

23 57. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through
24 32 above.

25 58. The defendant Suzuki constitutes moneys or other things of value furnished or
26

1 intended to be furnished in exchange for a controlled substance, all proceeds traceable to such an
2 exchange and/or were used or intended to be used to facilitate one or more violations of 21
3 U.S.C. § 841 *et seq.*

4 59. As a result of the foregoing, the defendant Suzuki is subject to forfeiture to the
5 United States in accordance with 21 U.S.C. § 881(a)(6).

6 **TENTH CLAIM FOR RELIEF – DEFENDANT SUZUKI**

7 **[18 U.S.C. § 981(a)(1)(A)]**

8 60. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through
9 32 above.

10 61. 18 U.S.C. § 981(a)(1)(A) provides for forfeiture of all property, real or personal, involved
11 in a transaction in violation of 18 U.S.C. §§ 1956 and 1957 of this title, or any property traceable
12 to such property.

13 62. As set forth above, the defendant Suzuki was involved in financial transactions
14 in violation of 18 U.S.C. §§ 1956(a)(1)(B) and 1957 and are therefore subject to forfeiture.

15 **ELEVENTH CLAIM FOR RELIEF – DEFENDANT DIAMOND RING**

16 **[21 U.S.C. § 881(a)(6)]**

17 63. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through
18 32 above.

19 64. The defendant diamond ring constitutes moneys or other things of value furnished or
20 intended to be furnished in exchange for a controlled substance, all proceeds traceable to such an
21 exchange and/or were used or intended to be used to facilitate one or more violations of 21
22 U.S.C. § 841 *et seq.*

23 65. As a result of the foregoing, the defendant diamond ring is subject to forfeiture to the
24 United States in accordance with 21 U.S.C. § 881(a)(6).

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26

1 **TWELFTH CLAIM FOR RELIEF – DEFENDANT DIAMOND RING**
2 **[18 U.S.C. § 981(a)(1)(A)]**

3 66. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through
4 32 above.

5 67. 18 U.S.C. § 981(a)(1)(A) provides for forfeiture of all property, real or personal, involved
6 in a transaction in violation of 18 U.S.C. §§ 1956 and 1957 of this title, or any property traceable
7 to such property.

8 68. As set forth above, the defendant diamond ring was involved in financial transactions
9 in violation of 18 U.S.C. §§ 1956(a)(1)(B) and 1957 and is therefore subject to forfeiture.

10 WHEREFORE, the plaintiff United States of America prays that a warrant *in rem* be
11 issued for the arrest of the defendant properties and that due notice be given to all parties to
12 appear and show cause why the forfeiture should not be decreed; that judgment be entered
13 declaring the defendant properties be forfeited to the United States of America for disposition
14 according to law; and that the United States of America be granted such other relief as this Court
15 may deem just and proper, together with the costs and disbursement of this action.

16 RESPECTFULLY SUBMITTED this 25th day of January, 2019.

17
18 SHAWN N. ANDERSON
19 United States Attorney
20 Districts of Guam and the NMI

21 By: /s/ Mikel W. Schwab
22 JESSICA F. WESSLING
23 MIKEL W. SCHWAB
24 Assistant U.S. Attorneys
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The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations.

DATED this 25th day of January, 2019.

ERFEL O. MATANGUIHAN
Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
AUSA Mikel W. Schwab and AUSA Jessica F. Wessling, 108 Hernan
Cortez Ave Ste 500, Hagatna, Guam 96910, 671-472-7332

DEFENDANTS

2008 BLACK MERCEDES BENZ G55, VIN NO.
WDCYR71E58X175031, GUAM LICENSE PLATE NO. MG2342, et al.
(See Attachment A for a full list of defendants)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 490 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 U.S.C. § 881(a)(6) and 18 U.S.C. §§ 1981(a)(1)(A), 1956(a)(1)(B) and 1957

Brief description of cause:
Drug related civil forfeiture

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Honorable Frances Tydingco-Gatewood DOCKET NUMBER 1:19-CV-00002

DATE

01/25/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Mikel W. Schwab

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Attachment A

Full List of Defendants

2008 BLACK MERCEDES BENZ G55, VIN NO. WDCYR71E58X175031, GUAM LICENSE PLATE NO. MG2342;

2015 SILVER LEXUS LX570, VIN NO. JTJHY7AX9F4179413, GUAM LICENSE PLATE NO. SR2865;

\$22,510.60 IN U.S. CURRENCY SEIZED FROM COAST 360 FEDERAL CREDIT UNION BANK VALUE CHECKING ACCOUNT FOR ACCOUNTING NO. ENDING IN LAST FOUR DIGITS 4764, HELD IN THE NAMES OF RAYMOND J. MARTINEZ AND JUANITA MARIE Q. MOSER,

\$9,016 IN U.S. CURRENCY,

\$1,801 IN U.S. CURRENCY,

2013 YELLOW SUZUKI HAYABUSA GSX1300RAZL3, VIN NO. JS1GX72B3D2100292, and

LADY'S PLATINUM RING WITH ONE ROUND BRILLIANT CUT DIAMOND 2.95 CARATS (ESTIMATED).